

Assembly Bill No. 2090

CHAPTER 363

An act to add and repeal Section 12599.5 of the Health and Safety Code, relating to fireworks.

[Approved by Governor August 24, 1998. Filed with
Secretary of State August 24, 1998.]

LEGISLATIVE COUNSEL'S DIGEST

AB 2090, Miller. Fireworks: sale.

(1) Existing law authorizes the sale of safe and sane fireworks from June 28 to July 6 annually pursuant to a license issued by the State Fire Marshal, unless otherwise prohibited or regulated by law or ordinance.

This bill would authorize the sale of certified safe and sane fireworks from 9 a.m. December 26, 1999, through January 1, 2000, pursuant to a license issued by the State Fire Marshal, if authorized by a city, county, or city and county ordinance or resolution that may also restrict the hours of use of those fireworks. Since a violation of this provision or other existing related provisions in connection with the sale of those fireworks would be a misdemeanor, the bill would impose a state-mandated local program by creating new crimes. These provisions would become inoperative on January 2, 2000, and would be repealed on January 1, 2001.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

The people of the State of California do enact as follows:

SECTION 1. Section 12599.5 is added to the Health and Safety Code, to read:

12599.5. (a) Notwithstanding Sections 12599 and 12672, a separate one-time retail license issued pursuant to this section by the State Fire Marshal shall authorize a retail sale of safe and sane fireworks within this state only from 9 a.m. on December 26, 1999, until midnight of January 1, 2000. That license shall expire at the end of that period. All fireworks sold pursuant to that license shall have been certified as safe and sane by the State Fire Marshal as of June 1999. No other license issued pursuant to this chapter shall authorize the sale of fireworks during that period.

(b) No retail license shall be issued for the license period defined in this section unless the city, county, or city and county having jurisdiction over the fixed location where the fireworks would be sold adopts an ordinance or resolution allowing that sale, and the application for that license is received by the State Fire Marshal on or before December 15, 1999. The ordinance or resolution authorizing the sale of those fireworks may limit the period of use of those fireworks to specified days and hours within the period during which the sale is authorized by this section.

(c) This section shall become inoperative on January 2, 2000, and, as of January 1, 2001, is repealed, unless a later enacted statute, that becomes operative on or before January 1, 2001, deletes or extends the dates on which it becomes inoperative and is repealed.

SEC. 2. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

Notwithstanding Section 17580 of the Government Code, unless otherwise specified, the provisions of this act shall become operative on the same date that the act takes effect pursuant to the California Constitution.

